IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.21961 of 2008
GAINU RAI @ VINAY RAI& ANR
Versus
STATE OF BIHAR

03/ **21-07-2008** Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are accused in a case under Sections 302, 307 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel submitted that the petitioners' prayer for bail was rejected by this Court on 10.09.2007 vide Annexure-1 with the observation "at this stage". He then referred to Annexure-3 to the application and submitted that Somari Rai was killed by Sagar Rai and Nandey Rai was killed by Arjun Rai. He further submitted that petitioner no. 1 Gainu Rai @ Vinay Rai is in custody since 19.7.2006 whereas the other petitioner is in jail since 2.9.2006. He also submitted that according to the F.I.R. petitioners are not the assailant of the two deceased. Learned counsel then submitted that Masudan Rai and one other has been allowed bail by this Court in Cr. Misc. No. 6030 of 2008 and the case of the petitioners is also similarly situated.

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In the facts and circumstances of the case, the abovenamed two petitioners, namely, Gainu Rai @ Vinay Rai and Balmiki Rai are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge- 1st,

Barh in connection with Sessions Trial No. 595 of 2007 arising out of Mokama P.S. Case No. 38 of 2005.

Both the bailors shall file affidavit in support of their means and fitness and one of the bailor of each petitioner shall be his close relative.

S.Sb/- **(Madhavendra Saran, J.)**

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